

OPEN FORUM

How to help our judges make their most difficult calls

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California's judges are confronted daily with difficult decisions that can forever change the life of a child in foster care. Removing a child from the only family he or she knows and sending him or her to live in foster care presents a choice of Solomonic proportions.

A former foster child from California aptly described the role of the courts in shaping their futures: "Once you are in the system, your life is in their hands, not yours." Critical decisions before judges who hear dependency cases include how long children will remain in the foster-care system, whether parental ties should be severed and what educational and health-care services they will receive.

Too often, judges are forced to make these life-changing decisions with inadequate information. They need access to data that would enable them to track a child's experience moving through the foster care system, ensure their safety and well-being and identify sources of delay in court proceedings.

Foster care protects children who, due to neglect or abuse, cannot safely remain in their own homes. For some, it is life-saving, but it was never meant as a permanent solution. The goal of the foster-care system should be to provide a safe, permanent home for children, either through reunification with their parents or through adoption.

But for too many youth, this short-term refuge becomes a long-term hardship. Almost half of children in foster care spend at least two years in the system, moving from placement to placement. This turbulence and uncertainty can have lasting consequences, not simply in regard to our foster children, but for society as a whole.

Amazingly, comprehensive information about individual children, their placements in the system and whether they are receiving critical services, is not readily available to those making decisions about their future. When courts lack adequate data systems and case tracking information, they lack accountability for ensuring that children move from foster care and into loving families quickly and efficiently.

Albert Einstein observed "The significant problems we face cannot be solved at the same level of thinking we were at when we created them." If our child welfare system hopes to create improved outcomes for the children we protect, we must be able to evaluate whether our actions are producing positive results. Otherwise, we are doomed to repeat our failures -- and our children will pay the price.

Two years ago, the Pew Commission on Children in Foster Care released far-reaching recommendations to overhaul the nation's foster-care system. The Pew Commission recommended that courts be equipped with the tools needed to analyze foster-care caseloads, assess their performance and identify issues in need of special attention.

Essential tools for achieving these objectives already exist. The American Bar Association, the National Center for State Courts and the National Council of Juvenile and Family Court Judges have developed guidelines for court performance and outcome measures. Additionally, the federal government passed legislation establishing grants that will provide funds to courts for data collection and analysis to strengthen courts' ability to meet the needs of foster children in a timely, responsive manner. But these systems have not yet been incorporated into the day-to-day work of the courts.

Improving information systems and developing enhanced accountability is a top priority in our state. Last week, the governor signed into law a packet of bills that will bridge together the various courts and agencies that too often attend to the needs of our most vulnerable children in disconnected silos. New legislation establishes the California Child Welfare Council, a high-level collaborative leadership body co-chaired by the California chief justice and the secretary of the Health and Human Services Department; incorporates enhanced court accountability measures that will further efforts under way to build better court tracking of youth in care, and requires that state and local agencies handling foster-care programs communicate with each other to identify and expand best practices.

The California Blue Ribbon Commission on Children in Foster Care is also working on these issues and has created a committee that aims to develop new approaches for better and more complete data gathering in dependency cases. The committee is dedicated to working with government and child welfare leaders in ensuring that a court management system now in the formative stages will allow analysis of court procedures, court-based delays and child and family outcomes in dependency cases consistent with established national standards.

These developments are a good start, but there is much more to do. We need to institute better data management and case tracking in cases involving foster youth as soon as possible. We cannot presume that recent advances mean our work is done. We owe it to the children of our state, whose lives will improve as a result, to act as responsible "parents" on their behalf.

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